THE HON'BLE SRI JUSTICE GOPALA KRISHNA TAMADA

WRIT PETITION No.20108 of 2000

Dated : 21.09.2007

Between:

Smt.I.Bramaramba W/o Basavaraju and others.

.....
PETITIONERS

And:

Punjab National Bank, Santhanagar Branch,
Hyderabad, rep., by its Branch Manager.

.....RESPONDENT

THE HON'BLE SRI JUSTICE GOPALA KRISHNA TAMADA

WRIT PETITION No.20108 of 2000

ORDER:

Petitioners, who are four in number, filed this writ petition stating that they stood as sureties for M/s Bhilva Pressure Vessels Private Limited, for the loan obtained by it from the respondent bank, by furnishing certain documents with the respondent-bank in support of their surety. Thereafter, as the said loan amount was not repaid, the respondent-bank filed O.S.No.1154 of 1985, and subsequently it was transferred to Debt Recovery Tribunal, Bangalore, and renumbered as O.A.No.1073 of 1996 and later transferred to Debt Recovery Tribunal, Andhra Pradesh at Hyderabad, and renumbered as O.A.419 of 1999.

Subsequently, as the said company repaid the loan amount, the respondent-bank filed a memo before the Tribunal seeking permission to withdraw the O.A., and accordingly, O.A.No.419 of 1999 was dismissed as withdrawn.

Now the grievance of the petitioners is that though the loan amount was repaid, the respondent-bank has not returned the documents furnished by him in support of their guarantee. Therefore, they issued notice to the respondent-bank seeking to return of their documents, but in vain. Hence, this writ petition.

Despite service of notice, the respondent has not chosen to file any counter-affidavit.

Having heard the learned counsel for the petitioner and having perused the material on record and also taking into consideration the fact that the Debt Recovery Tribunal dismissed O.A.No.419 of 1999 as withdrawn, this Court is of the view that the petitioners are entitled to get back the documents furnished by them at the time when they stood as sureties for M/s Bhilva Pressure Vessels Private Limited.

Therefore, the writ petition is allowed and the respondent-bank is hereby directed to return the documents furnished by the petitioners at the time when they offered surety to M/s Bhilva Pressure Vessels Private Limited. There shall be no order as to costs.

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21.09.2007

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